

Exhibit A

conform to the anatomic contour of at least a portion of a second lateral aspect of the vertebral bodies opposite the first lateral aspect.

140. The implant of claim 102, further in combination with hydroxyapatite.--

REMARKS

Applicant cancelled claim 35, amended claims 1 and 34, and added new claims 102-140 to further define Applicant's claimed invention. The amendment to claim 1 is supported by the language of claims 34 and 35 as originally filed, and page 13, lines 1-7 of the specification. New independent claim 102 is supported by claims 1 and 3 as originally filed. New claims 103-139 are supported by claims 6-42, respectively, as originally filed. New claim 140 is supported by page 6, line 3 of the specification.

Claims 102, 103, 105-107, 111, 112, 115-132, 135, and 137-140 read on Group 1, Species 1 as defined by the Restriction Requirement of November 30, 2001.

Applicant consents to the withdrawal of claims 108-110 and 113 as being directed to non-elected Species 2. Applicant submits that independent claim 102 is a linking claim to at least species I and II. MPEP § 809.04 states that "[i]f a linking claim is allowed, the examiner must thereafter examine species if the linking claim is generic thereto, or he or she must examine the claims to the non-elected inventions that are linked to the elected invention by such allowed linking claim." (MPEP page 800-52, col. 2 (August 2001)). Accordingly, Applicant submits that upon allowance of linking claim 102, at least the non-elected dependent claims 108-110 and 113 drawn to species II must be rejoined and examined under 37 C.F.R. § 1.104 for patentability.

For claims 104, 114, 133, 134, and 136, Applicant submits that certain of the